

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, April 4, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, March 21 and 28, 2007 Worksessions.

Action: Approved, (WMH/CLH, 3-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:

(a) **A-6183, Petition of William and Lisa Single** (new single-family dwelling).
Hearing held 2/28/07.

(b) **A-6188, Petition of John R. Crook** (accessory structure/swimming pool).
Hearing held 2/21/07.

Action: Granted the Order Extending Time, (CLH/WMH, 3-0)

3. **A-6126, A-6150, and A-6174, Appeal of Eileen Finnegan of Hillandale Citizens Association, et al.** (Department of Permitting Services - Issuance of Use and Occupancy Certificate No. 24149 dated 8/26/06). Motion of Intervenor Corsair, Inc. for Reconsideration and/or Rehearing from Stuart Barr, Esquire, and Steven Robins, Esquire. Also included is the Appellants' Opposition To Motion Of Intervenor For Reconsideration and/or Rehearing.

Action: Denied the request for reconsideration and/or rehearing, (DLB/CLH, 4-0).

4. **A-6158, Appeal of Alexander Boyle and Elizabeth Roberts** (Historic Preservation Commission – Approval of Historic Area Work Permit No. 421443 dated 6/7/06). Letter to the Board from Stuart Barr, Esquire, withdrawing the administrative appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the administrative appeal; (2) denied the request for a refund of the filing fee, (CLH/WMH, 4-0).

5. **A-6189, Appeal of Catherine A. Cotter** (Historic Preservation Commission – Public Decision Granting Application No. 35/13-060DD). Letter to the Board from Todd Brown, Esquire, requesting an additional hearing date.

Action: (1) Opened the record to include the letter from Mr. Brown; (2) scheduled an additional hearing date for 7/18/07, consensus.

6. **A-6198, Petition of JBG/Twinbrook Metro Limited partnership by John Kraus** (10-foot fence). Request to re-open the record to include the Resume of Jef Fuller, AIA.

Action: Re-opened the record to include the resume of Mr. Fuller, (CLH/DLB, 4-0).

7. **A-6209, Appeal of Laura S. Gajardo** (Department of Permitting Services – Notice of Violation dated 2/13/07). Letter to the Board from Frank DeLange, Zoning Investigator, Department of Permitting Services (DPS) rescinding the notice of violation dated 2/13/07.

Action: (1) Opened the record to include Mr. DeLange's letter; (2) dismissed the administrative appeal as rescinded, (WMH/DLB, 4-0); (3) staff will contact the appellant regarding a refund of the filing fee.

8. **CBA-748 [S-612, S-612-A, S-749, S-2238], Petition of Stephen Benedek** (commercial riding stable and summer day camp). Letter to the Board from Stanley Abrams, Esquire, requesting an administrative modification. (Large exhibits: partial zoning vicinity map, site plan, survey plat).

Action: Item deferred for a revised site plan, consensus.

9. **CBA-1174-D, Petition of Holton Arms School** (private educational institution). Letter to the Board from Elsie Reid, Esquire, submitting a revised site plan. (Large exhibit: site plan).

Action: (1) Re-opened the record to include Ms. Reid's letter; (2) adopted the revised site plan as the special exception site plan, (DLB/CLH, 4-0).

10. **CBA-2117, (CBA-2117-A), Petition of Francis J. Collins Funeral Home** (funeral home). Letter to the Board from Frank Colleli, Business Manager, submitting the special exception's annual report.

Action: Re-opened the record to include Mr. Colleli's letter with attachments, (CLH/WMH, 4-0).

11. **CBA-2212, Petition of Flower Valley Bath and Racquet Club, Inc.** (community swimming pool. Letter from Kenneth Bethune submitting the additional information requested by the Board.

Action: Re-opened the record to include the annual report, (CLH/WMH 4-0).

12. **S-2061, Petition of Richard Bryant** (accessory apartment). Letter to the Board from Marsha Coleman-Adebayo requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (WMH/CLH, 4-0).

13. **S-2299, Petition of APC Realty and Equipment Company, LLC** (public utility buildings, public utility structures, and telecommunication facilities). Letter to the Board from Pete Maheridis requesting an administrative modification. (Large exhibits: information sheet, equipment layout sheet).

Action: Granted the administrative modification; (DLB/CLH, 4-0).

14. **S-2450, Petition of Davco Restaurants, Inc.** (drive-in restaurant). Letter to the Board from Debra Borden, Esquire, requesting an administrative modification. (Large exhibits: landscape and lighting plan, photometric plan).

Action: Granted the administrative modification, (DLB/WMH, 4-0).

15. **S-2453, Petition of Academy Child Development** (child day care facility). Pending Item. Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. (Large exhibits: existing conditions and demolition plan, as-built lighting plan).

Action: Denied the administrative modification, (DLB/CLH 4-0).

16. **S-2527, S-2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Pending Item. Letter from Erica Leatham, Esquire, notifying the Board that the special exception has been abandoned.

Action: Revoked the special exception as abandoned, (DLB/CLH, 4-0).

17. **S-2644, Petition of Greencastle Lakes Community Association, Inc.** (community swimming pool). Letter to the Board from Ruchita Patel requesting an administrative modification. (Large exhibits: site development plan, elevations).

Action: Granted the administrative modification, (WMH/CLH, 4-0).

18. **S-2686, Petition of Jeanette Benjamin** (retail establishment in a multiple-family dwelling). Request to dismiss the special exception petition.

Action: Dismissed the special exception petition as it is no longer required, (CLH/WMH, 4-0).

PENDING ITEMS:

19. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession. [2/28/07].

20. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

PENDING ITEMS (continued):

21. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].

22. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letters to the Board from petitioner regarding entities operating at the special exception site. Item deferred for additional information regarding: (1) whether internet sales conducted at the special exception site; (2) whether the internet sales limited to club members; (3) the nature of the relationship of the special exception holder with the operating entities; (4) what control does the special exception holder have over the internet sales. [W/S 3/21/07].

23. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair
Wendell M. Holloway
Caryn L. Hines
Catherine G. Titus - ABSENT

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist

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WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, April 4, 2007, 9:30 a.m.

ACTION ITEM:

1. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:

(a) **A-6182, Petition of Kurt Zimmermann** (a shed). Hearing held 2/7/07.

Action: Granted the Order Extending Time, (WMH/CLH, 4-0).

Board Members

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Donna L. Barron, Vice Chair
Wendell M. Holloway
Caryn L. Hines
Catherine G. Titus - ABSENT

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